

---

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

---

UNITED STATES OF AMERICA

§

*versus*

§

CASE NO. 1:94-CR-69(1)

RICHARD ANGELO ZUCCO

§

§

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

The defendant, Richard Angelo Zucco, has filed a "Motion for Deferment of Fine Payments." The court referred the matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas.. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion be denied.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. The defendant filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After the careful consideration, the court concludes the objections are without merit. As the magistrate judge stated, a defendant whose fine is due immediately has no statutory basis to seek to modification of his payment schedule.

**ORDER**

Accordingly, the defendant's objections to the Report and Recommendation are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct

and the report of the magistrate judge is **ADOPTED**. The defendant's "Motion for Deferment of Fine Payments" is **DENIED**.

SIGNED at Beaumont, Texas, this 14th day of February, 2008.

*Marcia A. Crone*

---

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE